



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

July 21, 2011

The Honorable Matthew Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 535, an Act relating to the water resources coordinating council, including by transferring associated powers and duties from the Office of the Governor to the Department of Agriculture and Land Stewardship

The above Senate File is hereby approved this date.

Sincerely,


Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 535

AN ACT

RELATING TO THE WATER RESOURCES COORDINATING COUNCIL, INCLUDING
BY TRANSFERRING ASSOCIATED POWERS AND DUTIES FROM THE OFFICE
OF THE GOVERNOR TO THE DEPARTMENT OF AGRICULTURE AND LAND
STEWARDSHIP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 466B.3, subsection 1, Code 2011, is amended to read as follows:

1. *Council established.* A water resources coordinating council is established within the ~~office of the governor~~ department of agriculture and land stewardship.

Sec. 2. Section 466B.3, subsection 4, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 3. Section 466B.3, subsection 4, paragraph 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The ~~governor~~ secretary, who shall be the chairperson, or the ~~governor's~~ secretary's designee. As the chairperson, and in order to further the coordination efforts of the council, the ~~governor~~ secretary may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings, provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The ~~governor~~ secretary shall also invite and solicit advice from the following:

Sec. 4. Section 466B.3, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. The council shall be convened by the ~~office of the governor~~ secretary of agriculture at least quarterly.

Sec. 5. Section 466B.3, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. ~~Policy and funding recommendations shall be submitted to the governor and the general assembly not later than November 15, 2009.~~ The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional floodplain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

Sec. 6. Section 466B.5, Code 2011, is amended to read as follows:

466B.5 Regional watershed assessment, planning, and prioritization.

1. *Regional watershed assessment program.* The department of natural resources shall create a regional watershed assessment program. The program shall assess all the regional watersheds in the state.

a. The statewide assessment shall be conducted at the rate of approximately one-fifth of the watersheds per year, and an initial full assessment shall be completed within five years. Thereafter, the department of natural resources shall review and update the assessments on a regular basis.

b. Each regional watershed assessment shall provide a summary of the overall condition of the watershed. The information provided in the summary may include land use patterns, soil types, slopes, management practices, stream conditions, and both point and nonpoint source impairments.

c. In conducting a regional watershed assessment, the department of natural resources may provide opportunities for

local data collection and input into the assessment process.

2. *Planning and prioritization.* In conducting the regional watershed assessment program, the department of natural resources shall provide hydrological and geological information sufficient for the water resources coordinating council to prioritize watersheds statewide and for the various communities in those watersheds to plan remedial efforts in their local communities and subwatersheds.

3. *Report to council.* Upon completion of the statewide assessment, and upon updating the assessments, the department of natural resources shall report the results of the assessment to the council and the general assembly, and shall make the report publicly available.

Sec. 7. Section 466B.6, subsection 1, Code 2011, is amended to read as follows:

1. *Facilitation of community-based subwatershed plans.* After the ~~department's~~ department of natural resources' completion of the initial regional watershed assessment, and after the council's prioritization of the regional watersheds, the council shall designate one or more of the agencies represented on the council to facilitate the development and implementation of local, community-based subwatershed improvement plans.

Sec. 8. Section 466B.7, Code 2011, is amended to read as follows:

466B.7 Community-based subwatershed monitoring.

1. *Monitoring assistance.* After completion of the statewide regional watershed assessment and prioritization, and throughout the implementation of local community-based subwatershed improvement plans, the department of natural resources shall assist communities with the monitoring and measurement of local subwatersheds. The monitoring and measurement shall be designed for the particular needs of individual communities.

2. *Data collection and use.* Local communities in which the department of natural resources conducts subwatershed monitoring shall use the information to support subwatershed planning activities, do local data collection, and identify priority areas needing additional resources. Local communities shall also collect data over time and use the data to evaluate the impacts of their management efforts.

Sec. 9. Section 466B.8, Code 2011, is amended to read as follows:

466B.8 Wastewater and storm water infrastructure assessment.

The department of natural resources shall assess and prioritize communities within a watershed presenting the greatest level of risk to water quality and the health of residents. This prioritization shall include both sewered and unsewered communities.

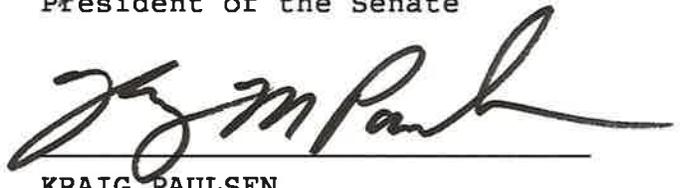
Sec. 10. Section 466B.9, Code 2011, is amended to read as follows:

466B.9 Rulemaking authority.

The department of natural resources and the department of agriculture and land stewardship shall have the power and authority reasonably necessary to carry out the duties imposed by this chapter. As to the department of natural resources, this includes rulemaking authority to carry out the regional watershed assessment program described in section 466B.5. As to the department of agriculture and land stewardship, this includes rulemaking authority to assist in the implementation of community-based subwatershed improvement plans.



JOHN P. KIBBIE
President of the Senate



KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 535, Eighty-fourth General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved July 21, 2011



TERRY E. BRANSTAD
Governor